

FILED VIA EFSWEB

REMARKS

Applicants reply to the Non-Final Office Action dated December 1, 2008, within the 3 month shortened statutory period for Reply. The Examiner rejects all pending claims. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter is introduced by these amendments. Applicants respectfully request reconsideration of the pending claims.

Applicants thank the Examiner for the interview held with Applicants' patent attorney counsel on January 7, 2009. Applicants also thank the Examiner for acknowledging that amending claim 1 to include, at least "wherein said first metal layer comprises a pocket having characters embossed therein; and wherein a fill panel is disposed within said pocket" would further differentiate the present claims over the cited references, especially in light of the allowed claims in co-pending U.S. Application Ser. No. 11/713,968. The Examiner also requested a terminal disclaimer to allowed, co-pending U.S. Application Ser. No. 11/713,968.

Terminal Disclaimer

In the Examiner interview of January 7, 2009, the Examiner indicated that the current amendments should be accompanied by a terminal disclaimer corresponding to allowed, co-pending U.S. Application Ser. No. 11/713,968. Applicants hereby submit such a terminal disclaimer.

Claim Objection

The Examiner objects to claim 1 as lacking a proper antecedent basis for "said entire area of said second layer." Applicants respectfully submit that the above amendments obviate this objection and request that the objection be withdrawn.

Rejection based on 35 U.S.C. § 103(a)

Claims 1, 4, 6, 9, 11, 15-16, 18-19, 59-61, 63

The Examiner rejects claims 1, 4, 6, 9, 11, 15-16, 18-19, 59-61, 63 as anticipated by U.S. Patent No. 6,025,283 to Roberts ("Roberts") in view of U.S. Patent No. 5,444,225 to Takahashi et al. ("Takahashi"). Applicants respectfully traverse this rejection.

Roberts teaches a card that is made from a rubber or plastic layer with a thin layer of precious metal disposed on both an upper and lower surface of the rubber or plastic layer. See

FILED VIA EFSWEB

Abstract and Figure 3. The rubber or plastic layer thus forms the “core” of the Roberts card. The purpose of the Roberts card is to retain many of the physical properties of a traditional, plastic card, such as, for example, flexibility. See column 1, line 17 and column 65-67 and column 2 line 1. Roberts recites that precious metals include platinum, gold, and silver. See column 1, lines 47-49.

Takahashi teaches a hologram code reading system. See column 1, lines 51-54. Takahashi teaches that a hologram may be formed using a metal base material. See column 3, lines 50-57.

Applicants’ claim 1 now includes, at least, “wherein said first metal layer comprises a pocket having characters embossed therein; and wherein a fill panel is disposed within said pocket.” Neither Roberts, Takahashi, nor a combination thereof disclose or contemplate such a configuration. Accordingly, Applicants respectfully submit that claim 1 is allowable over that cited reference and request that the rejection be withdrawn.

Dependent claims 4, 6, 9, 11, 15-16, 18-19, 59-61, 63, variously depend from independent claim 1, so Applicants assert that dependent claims 4, 6, 9, 11, 15-16, 18-19, 59-61, 63 are patentable for at least the same reasons for differentiating the independent claim 1, as well as in view of their own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 12

The Examiner rejects claim 12 as unpatentable under 35 U.S.C. 103(a) over Roberts in view of Takahashi and U.S. Patent No. 5,421,618 to Okazaki et al. (“Okazaki”). Applicants respectfully traverse this rejection.

The deficiencies of Roberts and Takahashi are discussed above. Okazaki is limited to a magnetic stripe comprising a hologram, so Okazaki does not account for the deficiencies discussed above. Moreover, dependent claim 12 variously depends from independent claim 1, so Applicants assert that dependent claim 12 is patentable for at least the same reasons for differentiating the independent claim 1, as well as in view of its own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 16-17

FILED VIA EFSWEB

The Examiner rejects claims 16-17 under 35 U.S.C. 103(a) as being unpatentable over Roberts, Takahashi, and U.S. Patent Application Publication No. 2004/0121257 to Kaminsky et al ("Kaminsky"). Applicants respectfully traverse this rejection.

Kaminsky teaches a metal coated transparent polymer sheet having various light diffusing properties. The deficiencies of Roberts and Takahashi are discussed above. The teachings of Kaminsky do not cure these deficiencies. Moreover, dependent claims 16-17 variously depend from independent claim 1, so Applicants assert that dependent claims 16-17 are patentable for at least the same reasons for differentiating the independent claim 1, as well as in view of their own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 20, 22, 54, 58, 62

The Examiner rejects claims 20, 22, 54, 58, 62 under 35 U.S.C. 103(a) as unpatentable over Roberts in view of Takahashi, NPL publication NN86044723 ("NPL") and/or U.S. Application Publication Number 2005/0194453 by Conner ("Conner"). Applicants respectfully traverse this rejection.

The deficiencies of Roberts and Takahashi are discussed above. The NPL is limited to a stiffened card with an integrated circuit. See Title. The NPL depicts two metal layers separated by an integrated circuit (label 12) and a "polyimide-like interconnect layer" (label 24). Further, the NPL discloses on page 4723 that the metal sheets "extend over the integrated circuit." In addition, as disclosed in the NPL on page 4724, approximately twenty lines from the top line, spacers may be used between the metal layers. The presence of any one of an integrated circuit, a "polyimide-like interconnect layer," or a spacer precludes the metal layers from being in, at least, "uniform, direct contact." Connor, as discussed in prior Replies to Office Actions, does not cure the deficiencies of Roberts, NPL, or combinations thereof.

Moreover, dependent claims 20, 22, 54, 58, 62 variously depend from independent claim 1, so Applicants assert that dependent claims 20, 22, 54, 58, 62 are patentable for at least the same reasons for differentiating the independent claim 1, as well as in view of their own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 21

FILED VIA EFSWEB

The Examiner rejects claim 21 under 35 U.S.C. 103(a) as unpatentable over Roberts in view U.S. Application Publication Number 2003/0202151 by Hinata ("Hinata"). Applicants respectfully traverse this rejection.

The deficiencies of Roberts and Takahashi are discussed above. Hinata discloses a display device. See Title and Abstract. The teachings of Hinata do not cure the deficiencies of Roberts. Moreover, dependent claim 21 variously depends from independent claim 1, so Applicants assert that dependent claim 21 is patentable for at least the same reasons for differentiating the independent claim 1, as well as in view of its own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 25

The Examiner rejects claim 25 under 35 U.S.C. 103(a) as unpatentable over Roberts, Takahashi, Conner in view of U.S. Patent No. 4,876,441 to Hara ("Hara"). Applicants respectfully traverse these rejections.

The deficiencies of Roberts and Takahashi are discussed above. Hara discloses a calculator-type device. See Abstract, Figure 2. The teachings of Hara do not cure the deficiencies of Takahashi, Roberts, or a combination thereof. Moreover, dependent claim 25 variously depends from independent claim 1, so Applicants assert that dependent claim 25 is patentable for at least the same reasons for differentiating the independent claim 1, as well as in view of its own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

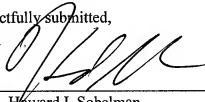
FILED VIA EFSWEB

Conclusion

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Date: 11/27/09

Respectfully submitted,

By: 
Howard I. Sobelman
Reg. No. 39,038

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
Phone: (602) 382-6228
Fax: (602) 382-6070
Email: hsobelman@swlaw.com